

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Jan 09, 2017

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

ALFREDO LAZCANO and YELENA  
LAZCANO, and the marital  
community comprised thereof,

Plaintiffs,

v.

EQUIFAX INFORMATION  
SERVICES, LLC, a Georgia Limited  
Liability Company,

Defendant.

No. 2:16-CV-0031-SMJ

**ORDER DENYING  
DEFENDANT'S MOTION TO  
DISMISS AS MOOT AND  
GRANTING PLAINTIFF'S  
MOTION TO AMEND  
COMPLAINT**

Before the Court, without oral argument, are Defendant Equifax Information Services, LLC's Motion to Dismiss, ECF No. 6, and Plaintiffs Lazcano's Motion to Amend Complaint, ECF No. 28. Defendant requests that the Court dismiss the complaint pursuant to Rule 12(b)(6). *See* ECF No. 6. Plaintiffs oppose the motion. *See* ECF No. 8. Plaintiffs have also moved for leave to amend their complaint to include ECF Nos. 23 and 24 as exhibits to the complaint. *See* ECF No. 28. They do not seek to otherwise amend the complaint. *Id.* Defendant does not oppose Plaintiffs' motion to amend for the sole purpose of adding these exhibits. ECF No.

31. Defendant also requests the opportunity to file an amended motion to dismiss, should Plaintiffs file an amended complaint. *Id.*

Having reviewed the pleadings and the file in this matter, the Court is fully informed and denies Defendant's Motion to Dismiss as moot and grants Plaintiffs' Motion to Amend Complaint. Plaintiffs shall file an amended complaint by January 10, 2017, and serve it on Defendant no later than January 13, 2017. Defendant shall file an amended Motion to Dismiss within 14 days of the day on which it is served with the amended complaint. Thereafter, the parties shall adhere to Local Rule 7.1's requirement for filing responsive and reply memoranda for dispositive motions.


Accordingly, **IT IS HEREBY ORDERED:**

1. Defendant's Motion to Dismiss, **ECF No. 6**, is **DENIED** as moot.
2. Plaintiffs' Motion to Amend Complaint, **ECF No. 28**, is **GRANTED**.
3. Plaintiffs shall file the Amended Complaint by no later than **January 10, 2017**.
4. Plaintiffs shall then serve the Amended Complaint on Defendant no later than **January 13, 2017**.

**IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order and

provide copies to all counsel.

**DATED** this 9th day of January 2017.

  
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SALVADOR MENDOZA, JR.  
United States District Judge